

- 2 -

Serial No. 10/016,938

Atty. Docket No. RD-26907

REMARKS

This application has been carefully reviewed in light of the Office Action dated December 4, 2002. By way of this amendment, claims 8-13 have been canceled, and claim 7 has been amended. Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached paper is captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE." Claims 1-7 are currently pending in the application. Applicant hereby requests further examination and reconsideration in view of the following remarks.

The Examiner has objected to claims 1 and 7 because of alleged informalities. With respect to claim 1, the Examiner objects to the phrase "the exterior" in line 3. However, the first line of claim 1 recites "a structure having an exterior." Thus, recitation of "the exterior" in line 3 clearly refers to this prior recitation. For this reason, it is not seen how the recitation is objectionable or why it should be changed to "an exterior." With respect to claim 7, applicant has amended "the fabrication" to read "a fabrication," as suggested by the Examiner.

The Examiner has rejected claims 4, 9 and 11 under 35 U.S.C. § 112, first paragraph, as containing subject matter not described in the specification. It is respectfully submitted that the cancellation of claims 9 and 11 renders the rejection of those claims moot. Regarding claim 4, the Examiner contends that the process of machining is not described in the specification; the meaning of "formed by machining" is unclear. It is respectfully submitted that "machining" is a well recognized term of art. The verb "machine" means to cut, shape or finish using a machine such as a lathe, mill or the like. Thus, machining is a process of cutting, shaping or finishing a workpiece. Machining is common technique for fabricating parts in which a piece of stock material is machined (i.e., cut, shaped or finished) into the desired configuration. Machining is thus distinguished from other types of fabrication such as casting and forging. In light

- 3 -

Serial No. 10/016,938

Atty. Docket No. RD-26907

of its well recognized meaning, it is respectfully submitted that the use of the term "machining" in claim 1 provides an adequate description as it is well settled that the claims form part of the specification. In addition, the present specification, in paragraph 0016, indicates that the marking may be incorporated into the fabrication process. Accordingly, it is respectfully requested that the rejection of claim 4 be withdrawn.

The Examiner has rejected claims 1, 2, 7, 8, 11 and 12 under 35 U.S.C. § 103(a) as being unpatentable over McQueen et al in view of Bunte et al. This ground of rejection is respectfully traversed.

Independent claim 1 recites a method of self-referencing a structure comprising the steps of applying an identifying marker to the exterior of the structure and creating a contour map representation of the structure such that the identifying marker forms part of the contour map representation.

McQueen et al discloses an object recognition system that includes a sensing apparatus for collecting light reflected from objects (in particular produce) presented at a point-of-sale machine and a system for measuring the spectral response of the objects to identify them. Bunte et al discloses a combined digital camera and code reader. As described in column 5, lines 20-25, the device captures coded images while in a horizontal orientation and captures photo images while in a vertical orientation. As such, the device of Bunte et al captures photo and code images separately; the device does not capture a single image containing both photo and code data.

Neither McQueen et al nor Bunte et al discloses the step of creating a contour map representation of a structure. McQueen et al is concerned with recognizing objects, not mapping them. As pointed out by the Examiner, McQueen et al relies on color separation techniques to recognize the objects. There is no contour map representation created—the device utilizes the spectral response to identify objects. Bunte et al photographs or scans a bar cod 122

- 4 -

Serial N . 10/016,938

Atty. Docket No. RD-26907

disposed on an object 120. No contour map representation of the object is created. Moreover, not only do the McQueen et al and Bunte et al references fail to disclose creating a contour map representation, they also fail to teach or suggest a contour map representation with an identifying marker formed therein. McQueen et al does not disclose the use of identifying markers at all; Bunte et al describes bar code 122, but does not make this part of a contour map representation.

Applicants also respectfully disagree with the Examiner's contention that it would have been obvious to combine the two sensing systems of McQueen et al and Bunte et al in order to use the McQueen et al method in combination with objects having a bar code. It is submitting the McQueen et al teaches away from using bar codes or other identifying markers. Specifically, column 1, lines 31-55 of McQueen et al describe the desire to be able to reduce reliance on placing labels with identifying codes on objects because of the cost associated with doing this. Because McQueen et al teaches that it is desirable to not mark the objects to be recognized, it would not have been obvious to use bar codes with McQueen et al.

For the above reasons, it is respectfully submitted that independent claim 1 is allowable over McQueen et al in view of Bunte et al. Claims 2 and 7 depend from claim 1 and are thus also believed to be allowable. Furthermore, at least some of these dependent claims set forth limitations not met by the prior art. For instance, the references do not disclose the subject matter of claim 2. The passages of McQueen et al pointed out by the Examiner discuss use of databases but do not suggest indexing contour map representations in a database based on an identifying marker as required by claim 2.

The Examiner has rejected claims 5, 6, 10 and 13 under 35 U.S.C. § 103(a) as being unpatentable over McQueen et al in view of Bunte et al and in further view of Ludden and claim 3 under 35 U.S.C. § 103(a) as being

- 5 -

Serial No. 10/016,938

Atty. Docket No. RD-26907

unpatentable over McQueen et al in view of Bunte et al and in further view of Moore et al. These grounds of rejection are respectfully traversed.

Ludden and Moore et al are relied on for teachings of specific barcode codes. As such, neither of these two references overcomes the above-described deficiency of the prior art of showing the step of creating a contour map representation that includes an identifying marker. Thus, McQueen et al and Bunte et al, further modified by Ludden and/or Moore et al, still fail to render claim 1 unpatentable. Because they all depend from claim 1, it is submitted that claims 3, 5 and 6 are also allowable of the prior art.

In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration of the objections and rejections is requested. Allowance of claims 1-7 at an early date is solicited.

Respectfully submitted,

3/4/03

Date

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- 6 -

Serial No. 10/016,938

Atty. Docket No. RD-26907

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claim 7 has been amended as follows:

Claim 7 (once amended). The method of claim 1 further comprising the step of tracking [the] a fabrication or service life of the structure using said identifying marker.

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